

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY TO ACQUIRE,
BY NEGOTIATION OR CONDEMNATION, REAL
PROPERTY FROM HEARTLAND WEST VALLEY
COMMERCIAL LIMITED PARTNERS II LOCATED ON
FOUR CONTIGUOUS PARCELS IN WEST VALLEY CITY.**

WHEREAS, pursuant to State law, West Valley City may purchase, receive, hold, sell, lease, convey, and dispose of real property for the benefit of the City, and also has the power of eminent domain to acquire property for public purposes and uses, including public transportation projects; and

WHEREAS, the City Council of West Valley City, Utah, has determined that it is in the best interests of the health, safety and welfare of the citizens of West Valley City to acquire four separate parcels of property and adjacent easements located to the north of City Hall along Constitution Boulevard (2700 West) at approximately 3550 South in order to facilitate construction of the Utah Transit Authority Light Rail Project; and

WHEREAS, the City Council of West Valley City, Utah, has determined that acquisition of said parcels of property would be for a public purpose and use; and

WHEREAS, the parcels of property to be acquired by the City are shown in the map attached to this Resolution as an exhibit and are portions of the properties further described as follows:

PROPERTY OWNERS: HEARTLAND WEST VALLEY COMMERCIAL
 LIMITED PARTNERS II

PARCEL 1: 15-33-129-040 – 3580 S. CONSTITUTION BLVD.
PARCEL 2: 15-33-129-028 – 3560 S. CONSTITUTION BLVD.
PARCEL 3: 15-33-129-027 – 3550 S. CONSTITUTION BLVD.
PARCEL 4: 15-33-129-038 – 2785 W. 3500 S.

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, that the City, by and through the City staff, is authorized to acquire the fee title and the necessary easements that are portions of the above-described real properties, free and clear of all outstanding liens or encumbrances. This acquisition may be made by offer and negotiation with the owners of the interests in the parcel of real property by City staff or Utah Transit Authority Staff or agents, for good and valuable consideration equal to the fair market value of said parcel; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to accept and record the deeds and easements to said properties and to execute any and all documents that may be necessary to complete the acquisition of said properties and property interests; and

BE IT FURTHER RESOLVED that should negotiations to acquire the properties be unsuccessful, and the use of eminent domain or other legal action be necessary, the City, through its legal counsel, is authorized to undertake condemnation action or such other legal action as may be necessary to acquire, in the name of the City, all interests in the above-described real properties in accordance with the applicable statutes relating to eminent domain and, if necessary, to make application for an Order of Immediate Occupancy, permitting the City to take immediate possession of the above-described real properties.

PASSED, APPROVED, and MADE EFFECTIVE this _____ day of _____, 2008.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER